#### ANDOVER BOARD OF HEALTH

# Minutes November 15, 2010, 6:00 P.M. 1st Floor Conference Room 36 Bartlet Street

The Board of Health Meeting was called to order at 6:01 p.m. Present were Dr. Donald H. Miller, Vice-Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health. Ms. Candace B. Martin, Chairman, was not present due to a scheduling conflict.

#### I. Approval of Minutes

#### • Regular Meeting of October 4, 2010

The Minutes of the Regular Meeting of October 4, 2010 were tabled until the next scheduled meeting of December 13, 2010 because Ms. Martin was not present tonight and Dr. Miller was not present at the October 4, 2010 Board of Health Meeting.

## • Executive Session (Continue) of October 4, 2010

The Minutes of the Executive Session (Continue) of October 4, 2010 were not discussed by the Board at this time.

# II. Appointments & Hearings

6:00 p.m. – Stacy Quinn and Lea Savely for Dish, 22 Andover Street – Request to Allow Temporary Exterior Refrigeration – Present were owners, Ms. Lea Savely and Ms. Stacey Quinn who has recently become a new partner in the Dish business. Mr. Carbone informed the Board that last year Dish was using an outside storage unit to handle the heavy workload during the Holiday season. A Variance was granted last year with the condition that a better solution would be in place by this year's Holiday season. Ms. Savely told the Board that several issues kept her from making more storage space a priority. Ms. Savely lost her business partner and is not the owner of the building, so she found it very difficult to focus on a solution until recently. She focused on trying to keep the business alive while she looked for a new partner. There would be electrical problems if other storage units are put inside the building because the electric would not handle the extra voltage. The outdoor storage unit is plugged into another breaker off the outside of the building. Ms. Savely did have Contractors in to look at the electrical and the building to see what could be done. She plans to look into selling retail at another off-site location where they could cook in the current location and bring food to retail stores to sell.

Mr. Carbone explained that he would rather Dish have a permanent solution rather than a temporary one. His concern is that the more the food is handled, the more concern there is for the safety of the food. The food would be packaged up, brought out to the freezer, and then removed again for delivery. Ms. Kellman asked if Dish would move next year or ask again for another Variance. Ms. Quinn replied that they would most likely not move, but see if a walk-in can be put in temporarily if the electrical is rebuilt. More than likely, they would also look for a space to work in to also sell retail. Ms. Savely told the Board that they are very much dedicated to food safety and enjoy that reputation. They would only use the outside storage unit during the Holiday season.

Motion by Dr. Miller, seconded by Ms. Kellman, to approve the Variance allowing Dish to continue the use of the exterior storage unit with the understanding that a solution will be found to bring all storage into the building after the Holiday season. Unanimous approval.

# III. Discussion

- Richdale Tobacco Sale to a Minor Mr. Carbone explained that Richdale has a new owner and was issued a \$100 fine during a Compliance Check by Ron Beauregard, Director of the Tobacco Control Program. Mr. Carbone spoke with the new owner to make sure he understood how important it is to check ID's whether you are busy or not. Mr. Carbone informed the owner that if he failed another compliance check this year, he would have to appear in front of the Board.
- Division Head/Board Chair Meeting Mr. Carbone informed the Board that Ms. Martin was not able to attend the Board Chair Meeting so he updated all the Members. At the meeting they discussed the impact of the roll-back of the liquor tax, which they felt would not have a big impact. They discussed the land acquisition of a portion of Foster's Pond by the Conservation Commission which would need approval at the December Town Meeting. They also discussed the land acquisition of 3 Blanchard Street for a soccer field, and that the owner dropped the price since the last Town Meeting. The Town Clerk discussed the Open Meeting Law and informed the Board that e-mails concerning Board issues had to be kept as part of the public record. Mr. Carbone spoke about the work of the Interns, Kerri Barton and Kirsten Heinrich, and informed them that Ms. Barton was hired as a Contractor for the Massachusetts Department of Public Health. Mr. Carbone was told that they are very excited to have Ms. Barton join them and she was just what they were looking for.
- Cancer Incidence Mr. Carbone stated that the Cancer Incidence Report from the Massachusetts Department of Public Health showed that incidences of Melanoma of the skin in women have dropped and incidences of Lung Cancer are low. Dr. Miller asked if Mr. Carbone thought the amount of cigarette sales in the area made a difference. Mr. Carbone stated that he would see if he could find out the smoking rates.
- **Set 2011 Meeting Schedule** The Board set the 2011 Meeting Schedule as follows: Monday, January 10; Monday, February 7; Monday, March 7; and Monday, April 4, 2011.

#### IV. Old Business

• Status of Teatone Restaurant/Update on HACCP Plan for Mootone – Mr. Carbone informed the Board that Health Inspector, Patricia Crafts, did the reinspection and found some temperature issues. Ms. Xu, owner, has enrolled some of her employees in the Chinese Class and she is due to appear at the December 13, 2010 Board of Health Meeting. As far as her other restaurant, Mootone, she has filed a satisfactory HACCP Plan, but she will still need to request a variance at the December 13, 2010 Board of Health Meeting.

## V. <u>Definitive Subdivision Plans</u>

• N/A

#### VI. Plan Review

## A. D.W.R.P. Variances/Local Upgrade Approval (LUA)

• 7 Richard Circle – LUA to Allow the SAS to be 3' Above Water Table, 4' Required – Mr. Carbone explained to the Board that the LUA is needed for grading purposes and to avoid conservation issues or the need for a retaining wall. Mr. Carbone recommended approval.

Motion by Dr. Miller, seconded by Ms. Kellman to approve the LUA for 7 Richard Circle to allow the SAS to be 3' above the Water Table where 4' is required. Unanimous approval.

## VII. Staff Reports

## A. Director's Report:

- Flu Clinic Mr. Carbone informed the Board that the Flu Clinic last week on November 9<sup>th</sup> was held and had fewer participants this year. In years past, the Flu Clinic at the Andover High School Field House had 700 to 800 people, while this year, we only had 550. Mr. Carbone noted that all the Health Clinics in the region were showing lower numbers. Ms. Kellman stated that the Pharmacies were giving the shots out early, and Dr. Miller stated that the convenience of going to the Pharmacies so early may have contributed to the decline. Last year with the H1N1 Flu, people were getting both the Seasonal and the H1N1, so there was a marked increase then. Dr. Miller stated that Doctor's offices have not had as good access to the vaccine, but were giving out vouchers to their patients so they could get the vaccine at Pharmacies. CVS Pharmacies were doing Minute Clinics and then faxing over the information to the Doctor's offices.
- Shingles Grant Renewal Mr. Carbone informed the Board that the Nurses received a Grant for 50 more doses of the Shingles Zostavax vaccine. The

Andover Home for Aged People has been very generous and speak very highly of the Health Nurses, Joanne Martel and Jane Morrissey.

# • Important Dates:

- ° December 13<sup>th</sup> Board of Health Meeting at 6 p.m.
- Park Street Pub Mr. Carbone informed the Board that there have been continuing problems with the restaurant. There was a recent newspaper article about a pot luck supper that violates their permit. Our contracted Health Inspector, Michelle Grant, found cleanliness issues, holes and rust in the ice machine, areas of broken Formica, as well as a dirty refrigerator. These are some of the same issues that have come up in the past. The owner had an Administrative Hearing in 2008, but Mr. Carbone is not sure if he needs to have another Hearing or have the owner appear before the Board at a Show Cause Hearing. Dr. Miller suggested that Mr. Carbone have another Administrative Hearing and set up a plan with a deadline to make improvements, and then schedule a Show Cause Hearing later if needed. Mr. Carbone agreed and will schedule the Administrative Hearing.
- B. Nurses' Report for September, 2010 (October's Report will be in December's Agenda) The Nurses' Report for September was for informational purposes only.
- C. **Inspectors' Reports for October**, **2010** The Inspectors' Reports were for informational purposes only.

## **VIII.** Board Member Reports

N/A

## IX. Adjournment

Motion by Dr. Miller, seconded by Ms. Kellman, to adjourn at 6:54 p.m. Unanimous approval.